

AMENDED IN SENATE MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 24, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2701

Introduced by Assembly Member Blakeslee

February 24, 2006

~~An act to amend Sections 1701.3 and 1703.6 of the Water Code, relating to water. An act to amend Sections 1, 2, 5, 7, 8, 13, 28, 36.8, and 36.16 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), relating to the San Luis Obispo County Flood Control and Water Conservation District.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2701, as amended, Blakeslee. ~~Appropriation of water. San Luis Obispo County Flood and Integrated Water Management District.~~

Existing law, the San Luis Obispo County Flood Control and Water Conservation District Act, creates the San Luis Obispo County Flood Control and Water Conservation District and grants to that district specified powers and responsibilities.

This bill would change the name of that law to the San Luis Obispo County Flood Control and Integrated Water Management District Act and the name of the district to the San Luis Obispo County Flood Control and Integrated Water Management District. The bill would authorize the district to implement integrated regional water management programs and projects, including groundwater banking of water supplies made available from the State Water Project, water reliability programs benefiting State Water Project supplies for users

in the Counties of San Luis Obispo and Santa Barbara, and other projects and programs that promote specified objectives of the district's integrated regional water management plan. The bill would make conforming changes and certain technical, nonsubstantive corrections to that law.

~~Under existing law relating to the appropriation of water, an applicant, permittee, or licensee may change the point of diversion, place of use, or purpose of use of water from that specified in the application, permit, or license, with the permission of the State Water Resources Control Board. Existing law provides petition procedures for such a change, and authorizes any interested person to file with the board a written protest against approval of a petition. Existing law authorizes the board to request from the protestant additional information reasonably necessary to clarify, amplify, correct, or otherwise supplement the information included in the protest, and to request from the protestant or the petitioner additional information that the board determines is reasonably necessary to attempt to resolve the protest. Existing law authorizes the board to cancel a protest or petition for failure to provide information requested by the board under this article within the period provided.~~

~~This bill would make technical and clarifying changes to those provisions relating to requesting additional information and canceling a protest.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *Section 1 of the San Luis Obispo County Flood*
- 2 *Control and Water Conservation District Act (Chapter 1294 of*
- 3 *the Statutes of 1945) is amended to read:*
- 4 Section 1. This act shall be known and may be cited as the
- 5 San Luis Obispo County Flood Control and ~~Water Conservation~~
- 6 *Integrated Water Management District Act.*
- 7 SEC. 2. *Section 2 of the San Luis Obispo County Flood*
- 8 *Control and Water Conservation District Act (Chapter 1294 of*
- 9 *the Statutes of 1945), as amended by Chapter 2045 of the*
- 10 *Statutes of 1959, is amended to read:*
- 11 Sec. 2. (a) ~~A flood control district~~ *The San Luis Obispo*
- 12 *County Flood Control and Integrated Water Management*

~~District is hereby created to be called the San Luis Obispo County Flood Control and Water Conservation District. Said. The district shall consist of all the territory of the County of San Luis Obispo lying within the exterior boundaries of said the county except such the islands of said the county as lie in the Pacific Ocean. As~~

~~(b) As used in this act, "district" means the San Luis Obispo County Flood Control and Water Conservation Integrated Water Management District.~~

SEC. 3. Section 5 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), as amended by Chapter 584 of the Statutes of 1975, is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers to do all of the following:

~~1. To have~~

(a) Have perpetual succession.

~~2. To sue~~

(b) Sue and be sued in the name of said the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

~~3. To adopt~~

(c) Adopt a seal and alter it at the district's pleasure.

~~4. To acquire~~

(d) (1) Acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct,

(2) Construct, maintain, alter, and operate any and all works or improvements, within or without outside the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete,

(3) Complete, extend, add to, alter, remove, repair, or otherwise improve any works, or improvements, or property acquired by it as authorized by the district in accordance with this act.

~~5. To store~~

1 (e) (1) Store water in surface or underground reservoirs within
2 or outside of the district for the common benefit of the district or
3 of any zone or zones affected; ~~to conserve.~~

4 (2) Conserve and reclaim water for present and future use
5 within the district; ~~to appropriate.~~

6 (3) Appropriate and acquire water and water rights, and import
7 water into the district and ~~to conserve,~~ within or outside of the
8 district, water for any purpose useful to the district; ~~to~~
9 ~~commence.~~

10 (4) Commence, maintain, intervene in, and compromise, in the
11 name of the district, or otherwise, and ~~to~~ assume the costs and
12 expenses of any action or proceeding involving or affecting the
13 ownership or use of waters or water rights within or ~~without~~
14 ~~outside~~ the district, used or useful for any purpose of the district
15 or of common benefit to any land situated ~~therein in the district,~~
16 or involving the wasteful use of water ~~therein; to commence, in~~
17 ~~the district.~~

18 (5) Commence, maintain, intervene in, defend, and
19 compromise, and ~~to~~ assume the cost and expenses of, any and all
20 actions and proceedings now or hereafter begun; ~~to prevent to do~~
21 ~~either of the following:~~

22 (A) Prevent interference with or diminution of, or ~~to~~ declare
23 rights in the natural flow of, any stream or surface or
24 subterranean supply of waters used or useful for any purpose of
25 the district or of common benefit to the lands within the district
26 or to its inhabitants; ~~to prevent.~~

27 (B) Prevent unlawful exportation of water from ~~said the~~
28 district; ~~to or~~ prevent contamination, pollution, or otherwise
29 rendering unfit for beneficial use the surface or subsurface water
30 used in ~~said the~~ district; ~~and to commence.~~

31 (6) Commence, maintain, and defend ~~actions'~~ actions and
32 proceedings to prevent any ~~such~~ interference with ~~the aforesaid~~
33 ~~those waters as that~~ may endanger or damage the inhabitants; ~~or~~
34 ~~land of,~~ or use of water in, or flowing into, the district; ~~provided,~~
35 ~~however, that said.~~ The district shall not have power to intervene
36 or take part in, or to pay the costs or expenses of, actions or
37 controversies between the owners of lands or water rights ~~which~~
38 ~~that~~ do not affect the interests of the district.

39 ~~6. To control~~

1 (f) (1) ~~Control the flood floodwater and storm waters~~
2 ~~stormwater of said the~~ district and the ~~flood floodwater and~~
3 ~~storm waters~~ *stormwater* of streams that have their sources
4 outside of ~~said the~~ district, but which streams and the ~~floodwaters~~
5 *floodwater* thereof, flow into ~~said the~~ district, ~~and to conserve~~
6 ~~such~~.

7 (2) *Conserve those* waters for beneficial and useful purposes
8 of ~~said the~~ district by spreading, storing, retaining, and causing
9 to percolate into the soil within or ~~without said outside the~~
10 district, or ~~to~~ save or conserve in any manner all or any of ~~such~~
11 ~~the~~ waters and protect from damage from ~~such flood the~~
12 *floodwater* or ~~storm waters~~ *stormwater*, the watercourses,
13 watersheds, public highways, life and property in ~~said the~~
14 district, and the watercourses outside of the district of streams
15 flowing into the district.

16 ~~7. To cooperate~~

17 (g) (1) *Cooperate* and ~~to~~ act in conjunction with the ~~State of~~
18 ~~California~~ state, or any of its engineers, officers, boards,
19 commissions, departments or agencies, or with the *federal*
20 government of the United States, or any of its engineers, officers,
21 boards, commissions, departments or agencies, or with any
22 public or private corporation, or with the County of San Luis
23 Obispo, in the construction of any work for the controlling of
24 ~~flood floodwater or storm waters~~ *stormwater* of, or flowing into
25 ~~said, the~~ district, or for the protection of life or property ~~therein~~
26 *in the district*, or for the purpose of conserving ~~said the~~ waters for
27 beneficial use within ~~said the~~ district, or in any other works, acts,
28 or purposes provided for ~~herein, and to adopt in this act~~.

29 (2) *Adopt* and carry out any definite plan or system of work for
30 any ~~such~~ purpose *described in subdivision (a)*.

31 ~~8. To carry~~

32 (h) *Carry on* technical and other necessary investigations,
33 make measurements, collect data, make analyses, *and undertake*
34 studies; and inspections pertaining to water supply, water rights,
35 control of ~~flood and storm waters~~ *floodwater and stormwater*,
36 and use of water ~~both within and without said outside the~~ district
37 relating to watercourses of streams flowing in or into ~~said the~~
38 district. For ~~such these~~ purposes, the district shall have the right
39 of access through its authorized representatives to all properties
40 within the district and elsewhere relating to watercourses and

1 streams flowing in or into ~~said~~ *the* district. The district, through
2 its authorized representatives, may enter upon ~~such~~ *those* lands
3 and make examinations, surveys, and maps ~~thereof~~ *of those*
4 *lands*.

5 ~~9. To enter~~

6 (i) (1) *Enter* upon any land, to make surveys and locate the
7 necessary works of improvement and the lines for channels,
8 conduits, canals, pipelines, roadways and other rights-of-way; ~~to~~
9 *acquire*.

10 (2) *Acquire* by purchase, lease, contract, gift, devise, or other
11 legal means all lands and water and water rights and other
12 property necessary or convenient for the construction, use,
13 supply, maintenance, repair and improvement of ~~said~~ *these*
14 works, including works constructed and being constructed by
15 private owners, lands for reservoirs for storage of necessary
16 water, and all necessary appurtenances, and also where necessary
17 or convenient ~~to said end, and for said these~~ purposes and uses,
18 ~~to acquire and to hold in the name of the state, the capital stock~~
19 ~~of any mutual water company or corporation, domestic or~~
20 ~~foreign, owning water or water rights, canals, waterworks,~~
21 ~~franchises, concessions, or rights, when the ownership of such~~
22 ~~that stock is necessary to secure a water supply required by the~~
23 ~~district or any part thereof, upon the condition that when. When~~
24 ~~holding such that stock, the district shall be entitled to all the~~
25 ~~rights, powers and privileges, and shall be subject to all the~~
26 ~~obligations and liabilities conferred or imposed by law upon~~
27 ~~other holders of such that stock in the same company; to enter.~~

28 (3) *Enter* into and do any acts necessary or proper for the
29 performance of any agreement with the United States, or any
30 state, county, district of any kind, public or private corporation,
31 association, firm, or individual, or any ~~number~~ *combination* of
32 them, for the joint acquisition, construction, leasing, ownership,
33 disposition, use, management, maintenance, repair or operation
34 of any rights, works or other property of a kind which might be
35 lawfully acquired or owned by ~~said San Luis Obispo County~~
36 ~~Flood Control and Water Conservation District to acquire the~~
37 *district*.

38 (4) (A) *Acquire* the right to store water in any reservoirs, or to
39 carry water through any canal, ditch, or conduit not owned or
40 controlled by the district; ~~to grant~~.

1 (B) *Grant* to any owner or lessee the right to the use of any
2 water or right to store ~~such that~~ water in any reservoir of the
3 district, or to carry ~~such that~~ water through any tunnels, canal,
4 ditch, or conduit of the district; ~~to enter.~~

5 (5) *Enter* into and do any acts necessary or proper for the
6 performance of any agreement with any district of any kind,
7 public or private corporation, association, firm, or individual, or
8 any ~~number~~ combination of them for the transfer or delivery to
9 any ~~such~~ district, corporation, association, firm, or individual of
10 any water right or water pumped, stored, appropriated or
11 otherwise acquired or secured, for the use of the ~~San Luis Obispo~~
12 ~~County F100d Control and Water Conservation District~~ district,
13 or for the purpose of exchanging the same for other water, water
14 right, or water supply in exchange for water, water right, or water
15 supply to be delivered to ~~said the~~ district by the other party to
16 ~~said the~~ agreement; ~~to cooperate.~~

17 (6) *Cooperate* with, and ~~to~~ act in conjunction with, the ~~State of~~
18 ~~California~~ state, or any of its engineers, officers, boards,
19 commissions, departments or agencies, or with the *federal*
20 ~~government of the United States~~, or any of its engineers, officers,
21 boards, commissions, departments or agencies, or with any
22 public or private corporation, in the construction of any work for
23 the controlling ~~flood or storm waters~~ floodwater or stormwater of
24 streams in or running into ~~said the~~ district, or for the protection of
25 life or property therein, or for the purpose of conserving ~~said~~
26 ~~those~~ waters for beneficial use within ~~said the~~ district, or in any
27 other works, acts, or purposes provided for ~~herein in this act~~, and
28 ~~to~~ adopt and carry out any definite plan or system of work for
29 any ~~such that~~ purpose.

30 ~~10. To incur~~

31 (j) *Incur* indebtedness and ~~to~~ issue bonds in the ~~manner herein~~
32 ~~provided~~ accordance with this act.

33 ~~11. To cause~~

34 (k) *Cause* taxes or assessments to be levied and collected for
35 the purpose of paying any obligation of the district, and ~~to~~ carry
36 out any of the purposes of this act; in the ~~manner hereinafter~~
37 ~~provided~~ accordance with this act.

38 ~~12. To make~~

1 (l) *Make* contracts,~~and to~~ employ labor, and~~to~~ do all acts
2 necessary for the full exercise of all powers vested in~~said the~~
3 district or any of the officers thereof, by this act

4 (m) *Implement any of the following:*

5 (1) *Integrated regional water management programs and*
6 *projects, including groundwater banking of water supplies made*
7 *available from the State Water Project.*

8 (2) *Water reliability programs benefitting State Water Project*
9 *supplies for users in the Counties of San Luis Obispo and Santa*
10 *Barbara.*

11 (3) *Other projects and programs that promote water supply,*
12 *water quality, ecosystem restoration, groundwater management,*
13 *or flood control objectives of the district's integrated regional*
14 *water management plan.*

15 *SEC. 4. Section 7 of the San Luis Obispo County Flood*
16 *Control and Water Conservation District Act (Chapter 1294 of*
17 *the Statutes of 1945) is amended to read:*

18 Sec. 7. (a) The board of supervisors of San Luis Obispo
19 County shall be and is hereby designated as, and empowered to
20 act as, ex officio the board of supervisors of the ~~San Luis Obispo~~
21 ~~County Flood Control and Water Conservation District.~~ As
22 *district.*

23 (b) As used elsewhere in this act, the terms “board” and “board
24 of supervisors” mean the board of supervisors of the ~~San Luis~~
25 ~~Obispo County Flood Control and Water Conservation District~~
26 *district.*

27 ~~All~~

28 (c) *Except as otherwise provided in this act, all ordinances,*
29 *resolutions, and other legislative acts for*~~said the~~ *district shall be*
30 *adopted by*~~said the~~ *board of supervisors, and certified to,*
31 *recorded, and published, in the same manner,*~~except as~~
32 ~~hereinotherwise expressly provided,~~ *as are ordinances,*
33 *resolutions, or other legislative acts for the County of San Luis*
34 *Obispo.*

35 *SEC. 5. Section 8 of the San Luis Obispo County Flood*
36 *Control and Water Conservation District Act (Chapter 1294 of*
37 *the Statutes of 1945) is amended to read:*

38 Sec. 8. (a) The district attorney, county surveyor, county
39 assessor, county tax collector, county auditor, and county
40 treasurer of the County of San Luis Obispo, and their successors

1 in office, and all their assistants, deputies, clerks and employees,
2 and all other officers of ~~said~~ San Luis Obispo County, their
3 assistants, deputies, clerks and employees, shall be ex officio
4 officers, assistants, deputies, clerks, and employees respectively
5 of ~~said San Luis Obispo County Flood Control and Water~~
6 ~~Conservation District~~ *the district*, and shall respectively perform,
7 unless otherwise provided by the board, the same various duties
8 for ~~said~~ *the* district as for ~~said~~ San Luis Obispo County, in order
9 to carry out the provisions of this act; ~~provided, however, that~~
10 ~~where~~.

11 (b) *Notwithstanding subdivision (a), if the county surveyor is a*
12 *registered civil engineer and is employed by the board of*
13 *supervisors to supervise the engineering work of* ~~said~~ *the* district,
14 the board may provide for compensation for his *or her* services
15 ~~hereunder~~ *under this act* payable from the funds of the district, in
16 addition to his *or her* salary as county surveyor of San Luis
17 Obispo County.

18 SEC. 6. *Section 13 of the of the San Luis Obispo County*
19 *Flood Control and Water Conservation District Act (Chapter*
20 *1294 of the Statutes of 1945), as amended by Chapter 2045 of the*
21 *Statutes of 1959, is amended to read:*

22 Sec. 13. The board shall have power, in any year *to do any of*
23 *the following:*

24 ~~1. To levy~~

25 (a) *Levy ad valorem taxes or assessments upon all property in*
26 *the district to pay the general administrative costs and expenses*
27 *of the district, and to carry out any of the objects or purposes of*
28 *this act of common benefit to the district, and, to the extent*
29 *authorized by law, for the purposes of the district.*

30 ~~2. To levy~~

31 (b) *Levy taxes or assessments upon all property in each or any*
32 *of* ~~said~~ *the* zones and participating zones to pay the cost and
33 expenses of carrying out, constructing, maintaining, operating,
34 repairing, or otherwise improving any or all works or
35 improvements established or to be established within or on behalf
36 of ~~said~~ *the* respective zones, according to the benefits derived or
37 to be derived by ~~said~~ *the* respective zones.

38 ~~3. To levy~~

39 (c) (1) *Levy taxes or assessments upon all taxable property in*
40 *each or any of* ~~said~~ *the* zones, according to the special benefits

1 derived or to be derived therein to pay the cost and expenses of
2 carrying out any of the objects or purposes of this act or special
3 benefit to ~~such~~ *the* zones, including the constructing,
4 maintaining, operating, extending, repairing, or otherwise
5 improving any or all works of improvement established or to be
6 established within or on behalf of ~~said~~ *the* respective zones.

7 (2) In the event of project cooperation with any of the
8 governmental bodies as authorized in subdivision ~~7~~ (g) of Section
9 5 of this act, and the making of a contract with any ~~such~~
10 governmental body for the purposes set forth in ~~said~~ *that*
11 subdivision ~~7~~, by the terms of which work is agreed to be
12 performed by ~~any such~~ *that* governmental body in any specified
13 zone or participating zones, for the particular benefit thereof, and
14 by ~~said~~ contract it is agreed that the district is to pay to ~~such~~ *the*
15 governmental body, a sum of money in consideration or
16 subvention for the performance of ~~said~~ *the* work by ~~such~~ *the*
17 governmental body, the board may levy and collect a special tax
18 or assessment upon the property in ~~such~~ *the* zone or participating
19 zones, ~~whereby~~ to raise funds to enable the district to make ~~such~~
20 *that* payment, in addition to other taxes or assessments ~~herein~~
21 ~~otherwise provided for~~ *authorized by this act*.

22 ~~Said~~

23 (d) *The* taxes or assessments shall be levied and collected
24 together with, and not separately from, taxes for county purposes,
25 and the revenues derived from ~~said~~ *the* district taxes or
26 assessments shall be paid into the county treasury to the credit of
27 ~~said~~ *the* district, or the respective zones thereof, and the board
28 shall have the power to control and order the expenditure thereof
29 for ~~said~~ *those* purposes; ~~provided, however, that no~~ *No* revenues,
30 or portions thereof, derived in any of the several zones from the
31 taxes or assessments levied under ~~the provisions of~~ subdivision ~~2~~
32 ~~of this section~~ (b) shall be expended for constructing,
33 maintaining, operating, extending, repairing, or otherwise
34 improving any works or improvements located in any other
35 zones, except in the case of joint projects, or for projects
36 authorized or established outside ~~such~~ *the* zone, or zones, but for
37 the benefit thereof. In cases of projects joint to two or more
38 zones, ~~such~~ *the* zones ~~will~~ *shall* become, and shall be referred to
39 as, participating zones.

1 *SEC. 7. Section 28 of the San Luis Obispo County Flood*
2 *Control and Water Conservation District Act (Chapter 1294 of*
3 *the Statutes of 1945) is amended to read:*

4 Sec. 28. There is hereby granted to ~~San Luis Obispo County~~
5 ~~Flood Control and Water Conservation District~~ *the district* the
6 right of way for the location, construction, and maintenance of
7 flood control channels, ditches, waterways, conduits, canals,
8 storm dykes, embankments, and protective works in, over, and
9 across public lands of the ~~State of California~~ *state*, not otherwise
10 disposed of or in use, not in any case exceeding in length or
11 width that which is necessary for the construction of ~~such~~ *those*
12 works and adjuncts or for the protection thereof. Whenever any
13 selection of a right of way for ~~such~~ *those* works or adjuncts
14 thereto is made by the district, the board ~~thereof must~~ *shall*
15 transmit to the State Lands Commission, the Controller ~~of the~~
16 State, and the recorder of the county in which the selected lands
17 are situated, a plat of the lands so selected, giving the extent
18 thereof and the uses for which the same is claimed or desired,
19 duly verified to be correct. If the State Lands Commission ~~shall~~
20 ~~approve~~ *approves* the selections ~~so~~ made, it shall endorse its
21 approval upon the plat and issue to the district a permit to use
22 such right of way and lands.

23 *SEC. 8. Section 36.8 of the San Luis Obispo County Flood*
24 *Control and Water Conservation District Act (Chapter 1294 of*
25 *the Statutes of 1945), as amended by Chapter 2045 of the*
26 *Statutes of 1959, is amended to read:*

27 Sec. 36.8. In the application of the ~~aets~~ *laws* referred to in ~~all~~
28 ~~of the preceding~~ Sections ~~36.1, 36.2, 36.3, 36.4, 36.5, 36.6, and~~
29 36.7, the terms used in those ~~aets~~ *laws* shall have the following
30 meanings:

31 (a) “City” ~~refers to~~ *means* the ~~San Luis Obispo County Flood~~
32 ~~Control and Water Conservation District~~ *district* *district*.

33 (b) “City council” or “legislative body” ~~refers to~~ *means* the
34 ~~Board of Supervisors of the San Luis Obispo County Flood~~
35 ~~Control and Water Conservation District~~ *board of the district*.

36 (c) “Mayor” ~~refers to~~ *means* the ~~Chairman~~ *chairperson* of the
37 ~~Board of Supervisors of the San Luis Obispo County Flood~~
38 ~~Control and Water Conservation District~~ *board of the district*.

(d) ~~“Clerk” refers to means the Secretary of the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District~~ *secretary of the board of the district.*

(e) ~~“Council chambers” refers to means the place designated by the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District~~ *board of the district* for holding its regular meetings.

(f) ~~“Treasurer” refers to means the Treasurer of the San Luis Obispo County Flood Control and Water Conservation District~~ *treasurer of the district.*

(g) ~~“Auditor” refers to means the Auditor of the San Luis Obispo County Flood Control and Water Conservation District~~ *auditor of the district.*

(h) ~~“Tax collector”~~ means county tax collector.

(i) ~~“Superintendent of streets” or “street superintendent” and “city engineer” refer to means the Engineer of the San Luis Obispo County Flood Control and Water Conservation District~~ *engineer of the district.*

(j) ~~“Right of way” refers to means any parcel of land to which a right of way has been granted to the San Luis Obispo County Flood Control and Water Conservation District~~ *district.*

(k) ~~All words relating references to municipal officers and matters refer to means the corresponding officers of the San Luis Obispo County Flood Control and Water Conservation District~~ *district.*

SEC. 9. *Section 36.16 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), as amended by Chapter 2045 of the Statutes of 1959, is amended to read:*

Sec. 36.16. Division 4 (*commencing with Section 2800*) of the Streets and Highways Code ~~which division is cited as the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, Division 5 (commencing at Section 2800) of the Streets and Highways Code,~~ shall not be applicable *apply* to San Luis Obispo County Flood Control and Water Conservation District *the district.*

SECTION 1. ~~Section 1701.3 of the Water Code is amended to read:~~

1701.3. (a) ~~After a petition is filed, the board may request additional information reasonably necessary to clarify, amplify,~~

1 correct, or otherwise supplement the information required to be
2 submitted under this chapter. The board shall provide a
3 reasonable period for submitting the information.

4 (b) The additional information may include, but need not be
5 limited to, any of the following:

6 (1) Information needed to demonstrate that the change will not
7 injure any other legal user of water.

8 (2) Information needed to demonstrate that the change will
9 comply with any applicable requirements of the Fish and Game
10 Code or the federal Endangered Species Act of 1973 (16 U.S.C.
11 Sec. 1531 et seq.).

12 (3) Information needed to comply with Division 13
13 (commencing with Section 21000) of the Public Resources Code.

14 SEC. 2. Section 1703.6 of the Water Code is amended to
15 read:

16 1703.6. (a) The board may cancel a protest or petition for
17 failure to provide information requested by the board under this
18 chapter within the period provided.

19 (b) Except as provided in subdivisions (c) and (d), the board
20 may not cancel a protest for failure to submit information not in
21 the possession or under the control of the protestant if the protest
22 meets the requirements of Section 1703.2 and the petitioner is or
23 could be required to submit the information under Section
24 1701.1, 1701.2, or 1701.3.

25 (c) If a protest is based on injury to a legal user of water, the
26 board may cancel the protest if the protestant fails to submit any
27 of the following information requested by the board:

28 (1) Information that the protestant is required to submit to the
29 board to comply with Part 5.1 (commencing with Section 5100)
30 during any period after the protest is filed.

31 (2) Information that is reasonably necessary to determine if the
32 protestant has a valid water right.

33 (3) Information concerning the protestant's historical, current,
34 or proposed future diversion and use of water that is reasonably
35 necessary to determine if the proposed change will result in
36 injury to the protestant's exercise of its water right.

37 (d) If the protest is based on an allegation other than injury to
38 a legal user of water, the board may cancel the protest for failure
39 to submit information requested by the board if the board
40 determines both of the following:

1 ~~(1) The public review period has expired for any draft~~
2 ~~environmental document or negative declaration required to be~~
3 ~~circulated for public review and comment pursuant to Division~~
4 ~~13 (commencing with Section 21000) of the Public Resources~~
5 ~~Code.~~

6 ~~(2) In the absence of the requested information, there is no~~
7 ~~substantial evidence in light of the whole record to support the~~
8 ~~allegation.~~

9 ~~(e) If a protest is subject to both subdivisions (c) and (d), the~~
10 ~~part of the protest subject to subdivision (c) may be canceled~~
11 ~~pursuant to subdivision (c) and the part of the protest subject to~~
12 ~~subdivision (d) may be canceled pursuant to subdivision (d).~~